



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/855,117

05/14/2001

Steven T. Kanefsky

CING-0036/573.US

9063

64952 7590 09/17/2008
Paul, Hastings, Janofsky & Walker LLP
875 - 15th Street, N.W.
Washington, DC 20005

EXAMINER

TANG, KAREN C

ART UNIT

PAPER NUMBER

2151

MAIL DATE

DELIVERY MODE

09/17/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/855,117	Applicant(s) KANEFSKY, STEVEN T.	
	Examiner KAREN C. TANG	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-15 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-15, 17-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2151

- This action is responsive to the amendment and remarks file on 6/17/08.
- Claims 1, 2, 4-15, 17-23 are presented for further examination.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 4/17/08 have been fully considered but they are not persuasive.

Applicant argues that Chan, teach away from Foulger.

Examiner disagrees.

It is true that Chan teaches a mobile device utilizing the speedy technology, and in Chan, the speedy application is at the remote server 24 (Col 4, Lines 40-50). It is further disclosed by Chan that the menus in fig 5 could be downloaded by server at anytime (refer to Col 5, Lines 50-51). However, whenever the server 24 fails to further provide the information the users define, the server will contact Internet (36, fig 2) and utilizing other servers via internet to further narrowing down the search when the speedy technology cannot provide the narrowed information (speedy technology fails to narrowing down the search, server provides the new field of information for further search refer Col 7, Lines 6-13). Therefore, Foulger, did not teach away from Chan, but instead, strengthen Chan's system, in the event when the speedy application cannot provide further information to users. Therefore, it is still reasonable to combine the technology of Chan and Foulger.

Art Unit: 2151

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5-15, 17-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan (US 6,760,759) in view of Foulger et al hereinafter Foulger (US 2006/0129536).

1. Referring to Claims 1 and 5, Chan disclosed providing information on a wireless device comprising: receiving, at a remote server (refer to Fig 5 and the initial page is provided by server to the user, refer to Col 6, Lines 15-25), one or more search parameters (112, Fig 5) from the wireless device (handhold unit, refer to Col 5, Lines 35-40), the one or more parameters different from a menu navigation command (scroll bars, refer to Col 4, Lines 25, dial up 25, Col 4, Lines 35) of the wireless device (refer to Col 4, Lines 40-60);

identifying a folder (identified the tag information, refer to Col 7, Lines 11-13) based on the one or more search parameters (search engine, 28, which is not within the handheld device 20, refer to Fig 2) and any further search parameters provided by the script processor, wherein the identified folder (specific data) is part of a preexisting deck (located within the database) maintained by said remote server (mapping server 46 which update information with the database RIDB, refer to Col 4, Lines 60-67); and

Art Unit: 2151

communicating the identified folder to said wireless device (handheld unit is communicating, Col 5, Lines 1-5, and receive the information/data/webpage/next screen, refer to Col 5, Lines 20-45 and Col 8, Lines 25-32) for performing a menu navigation to the identified folder (next screen 120, refer to Col 5, Lines 35-63).

Although Chan disclosed the invention substantially as claimed, Chan is silent regarding wherein the remote server comprises a script processor configured to provide further search parameters based on responses to one or more queries displayed on the wireless device, the one or more queries being displayed upon the activation of a script; and

wherein the script is activated in response to the receipt of the one or more initial search parameters by the remote server;

Foulger, in an analogous art discloses wherein the remote server comprises a script processor (refer to 0005) configured to provide further search parameters (refer to 0014) based on responses to one or more queries displayed on the wireless device, the one or more queries being displayed upon the activation of a script (refer to 0012); and

wherein the script is activated in response to the receipt of the one or more initial search parameters by the remote server (by user interact with the search page, making decision/request, the URL/request/HTML calls a CGI script on the server to perform the processing, and the server then would obtain the request based on the processing, refer to 0016);

Hence, providing the features by Foulger, would be desired for a user to implement in order to provides a easier way to search the subsets of related data in an intelligent ways and by

Art Unit: 2151

understand what the user is looking for, provides a useful suggestion for finding the right information.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Chan by including the features provided by Foulger.

2. Referring to Claims 2 and 8, Chan disclosed further comprising: wherein the script is associated with a navigation command, each of the one or more queries associated with the one or more search parameters (refer to Col 5, Lines 40-45).

3. Referring to Claim 11, Chan disclosed wherein the wireless device display the at least one identified folder and/or the at least one identified item (refer to Fig 5).

4. Referring to Claims 6 and 13, Chan disclosed wherein the second menu is a flat menu (refer to Fig 5, Col 5, Lines 35-64) that includes two or more identified items.

5. Referring to Claims 7 and 15, Chan disclosed wherein the second menu includes at least one text message that contains at least one of the one or more search parameters (refer to Fig 5, 120).

6. Referring to Claims 9 and 14, Chan disclosed wherein the second menu is a hierarchical menu that includes two or more identified folders (refer to Fig 5, 120 and Col 5, Lines 35-60).

Art Unit: 2151

7. Referring to Claim 10, Chan disclosed a device for searching for a folder or item in a menu of a wireless device, comprising:

an interface at a remote server that receives one or more search parameters from the wireless device (it is server comprises a interface to receive parameter), the one or more initial parameters different from a menu navigation command of the wireless device (refer to Col 5, Lines 35-60);

a search device that performs a search operation based on the one or more search parameter, the search operation identifying at least one folder and/or at least one item, the at least one folder and at least one item each being part of a preexisting deck maintained by said remote server and communicated to the wireless device (refer to Fig 5, and Col 5, Lines 35-63) and

a managing device that provides information to the wireless device based on the search operation (refer to Col 5, Lines 20-35);

wherein one of the at least one identified folder and/or the at least one identified item or a portion of a second menu is provided for display on the wireless device, and wherein the second menu is formed based on the provided information (refer to Fig 5, 120 and 130).

8. Referring to Claim 12, Chan disclosed wherein the wireless device displays a portion of the second menu (refer to Fig 5, 120 and 130)

9. Referring to Claim 17, Chan disclosed wherein the script processor accessing information relating to an external network in response to the script (refer to Col 5, Lines 20-40).

Art Unit: 2151

10. Referring to Claims 18, 19 and 21, Chan disclosed providing information on a wireless device comprising: receiving, at a remote server (refer to Fig 5), one or more search parameters (112, Fig 5) from the wireless device (handhold unit, refer to Col 5, Lines 35-40), the one or more parameters different from a menu navigation command (scroll bars, refer to Col 4, Lines 25, dial up 25, Col 4, Lines 35) of the wireless device (refer to Col 4, Lines 40-60);

identifying a folder (as a menu directory, the main menu is a first directory of the information, in Fig1, contains URL, and the URL represents various of directories in the menu, Fig 5) based on the one or more search parameters (search engine, 28, which is not within the handheld device 20, refer to Fig 2) and any further search parameters provided by the script processor, wherein the identified folder (specific data) is part of a preexisting deck (located within the database) maintained by said remote server (mapping server 46 which update information with the database RIDB, refer to Col 4, Lines 60-67); and communicating the identified folder to said wireless device (handheld unit is communicating, Col 5, Lines 1-5, and receive the information/data/webpage/next screen, refer to Col 5, Lines 20-45) for performing a menu navigation to the identified folder (next screen 120, refer to Col 5, Lines 35-63).

The limitations such as "if the request includes a navigation commands, then...if the database was searched, then.." are alternate limitations, none of which requires to be presented in the references.

Although Chan disclosed the invention substantially as claimed, Chan is silent regarding wherein the remote server comprises a script processor configured to provide further search parameters based on responses to one or more queries displayed on the wireless device, the one or more queries being displayed upon the activation of a script; and

Art Unit: 2151

wherein the script is activated in response to the receipt of the one or more initial search parameters by the remote server;

Foulger, in an analogous art discloses wherein the remote server comprises a script processor (refer to 0005) configured to provide further search parameters (refer to 0014) based on responses to one or more queries displayed on the wireless device, the one or more queries being displayed upon the activation of a script (refer to 0012); and

wherein the script is activated in response to the receipt of the one or more initial search parameters by the remote server (by user interact with the search page, making decision/request, the URL/request/HTML calls a CGI script on the server to perform the processing, and the server then would obtain the request based on the processing, refer to 0016);

Hence, providing the features by Foulger, would be desired for a user to implement in order to provides a easier way to search the subsets of related data in an intelligent ways and by understand what the user is looking for, provides a useful suggestion for finding the right information.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Chan by including the features provided by Foulger.

11. Referring to Claim 23, the method of Claim 1, Chan discloses wherein the queries sent to the wireless device are text or voice messages that include a request for a user of the wireless device to enter a keyword selected by the user in response to the query (refer to Col 6, lines 16-18).

Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chan (US 6,760,759) in view of Foulger et al hereinafter Foulger (US 2006/0129536) in further view of Himmelstein (US 2007/0203896).

12. Referring to Claim 4, Chan disclosed wherein the script further including one or more operations (refer to 0041).

Although Chan and Foulger disclosed the invention substantially as claimed, Chan and Foulger are silent regarding the operation includes performs one of facilitating a purchase facilitating a reservation based on the query and placing a phone call.

Himmelstein, in an analogous art discloses the operation includes performs one of facilitating a purchase facilitating a reservation based on the query and placing a phone call (refer to 0010).

Hence, providing the features by Himmelstein, would be desired for a user to implement in order to provides a faster way to obtain the selected entity after searching via the search engine.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the systems of Chan and Foulger by including the features provided by Himmelstein.

Claims 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan (US 6,760,759) in view of Foulger et al hereinafter Foulger (US 2006/0129536) in further view of Elsey et al hereinafter Elsey (US 20050002510).

Art Unit: 2151

13. Referring to Claims 20 and 22, although Chan and Foulger disclosed the invention substantially as claimed, Chan and Foulger are silent regarding “wherein selecting a folder further comprises creating a folder to contain all items found in searching the database and selecting the created folder.”

Else, in an analogous art discloses “wherein selecting a folder further comprises creating a folder to contain all items found in searching the database and selecting the created folder.” (refer to 0083).

Hence, providing the features by Else, would be desired for a user to implement in order to provide a flexibility to the system.

Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the systems of Chan and Foulger by including the features provided by Else.

Conclusion

Examiner’s Notes: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner. In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the

Art Unit: 2151

specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2151

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/K. C. T./
Examiner, Art Unit 2151

/John Follansbee/
Supervisory Patent Examiner, Art Unit 2151